

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JORDAN A. ROWE,)	CASE NO.: 1:13-CV-1265
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND RECOMMENDATION</u>
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy Vecchiarelli. The Report and Recommendation (ECF #24) is hereby ADOPTED. The Plaintiff challenged the Acting Commissioner of Social Security's final decision denying his application for a Period of Disability ("POD"), Disability Insurance Benefits ("DIB"), and Supplemental Security Income ("SSI") under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* Magistrate Judge Vecchiarelli found that the Administrative Law Judge's ("ALJ") decision was supported by substantial evidence in the record and that the ALJ applied the appropriate legal standards. *See Ealy v. Comm'r of Soc. Sec.*, 594 F.3d 504, 512 (6th Cir. 2010). Plaintiff Rowe timely filed his objections to the Magistrate's Report and Recommendation on March 4, 2014 (ECF #25). Defendant, the Acting Commissioner of the Social Security Administration, filed a Response to Plaintiff's Objections on March 18, 2014 (ECF #26).

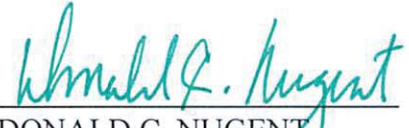
This Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which proper objections have been made. *See* FED. R. CIV. P. 72(b)(3). This Court finds that Magistrate Judge Vecchiarelli's Report and Recommendation thoroughly

and correctly discusses the evidence contained in the entire record, and that it presents a well-reasoned and correct analysis of the applicable law. The Court finds that Plaintiff's objections raise no arguments, factual or legal, that have not been fully addressed by the Magistrate Judge's Report and Recommendation. Specifically, Magistrate Judge Vecchiarelli did not error in finding that the ALJ complied with the Appeals Council mandate to obtain necessary evidence of Plaintiff's somatoform disorder, as the record reflects the ALJ's compliance with the Appeals Council's order. Magistrate Judge Vecchiarelli did not error in finding that the ALJ was not required by the Appeals Council to obtain a consultative examination to evaluate Plaintiff's somatoform disorder, and the Magistrate Judge is also correct in finding that Plaintiff has not shown such an examination would lead to a different result on remand of this case; therefore, such a remand would be an "idle and useless formality." *See NLRB v. Wyman-Gordon Co.*, 394 U.S. 759, 766 n.6 (1969). Finally, Magistrate Judge Vecchiarelli did not error in finding that Plaintiff's failure to challenge the finding that his impairments did not meet the criteria of Listing 12.07 for somatoform disorders rendered any argument on that point waived.

The Magistrate's Report and Recommendation fully and correctly addresses all of the Plaintiff's claims, and the Plaintiff's objections are unwarranted. This Court, therefore, ADOPTS the Magistrate Judge's Report in its entirety. Plaintiff's Objections (ECF #25) are hereby DENIED; and, consistent with the Magistrate Judge's Report and Recommendation, the Acting Commissioner of Social Security's final decision is AFFIRMED.

IT IS SO ORDERED.

DATED: March 28, 2014


DONALD C. NUGENT
United States District Judge